

Atty. Docket 6173-4007US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Jani EKMAN et al.
Serial No. : 09/937,047
Filing Date : January 8, 2002
Title : HANDOVER IN A MOBILE COMMUNICATION SYSTEM
USING CONFERENCE FACILITY
Examiner : Julio Perez
Group Art Unit : 2681

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

May 27, 2005

**PETITION FOR REVIVAL AND FOR ACCEPTANCE OF ISSUE AND PUBLICATION
FEES AND COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE**

Sir:

Applicants received the Notice of Abandonment (attached hereto as Exhibit 1) on May 23, 2005. The Notice states that the application was abandoned due to applicant's "failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85)". Although the Notice of Allowance was mailed on January 11, 2005, it was erroneously mailed to the wrong address (the incorrect address is on the accompanying Issue Fee Transmittal Form). Despite the filing of a Power of Attorney and a Change of Correspondence Address on August 19, 2004 (attached hereto as Exhibit 2) on August 19, 2004, the Patent Office mistake occurred because mailing address was inexplicably not changed until after the Notice of Allowance was mailed, as shown by the Notice of Acceptance of Power of Attorney dated January 19, 2005 (see attached Exhibit 3).

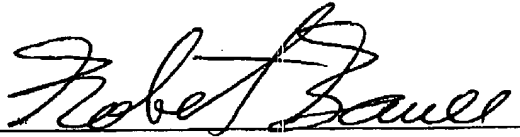
Applicants respectfully submit this Petition in order to revive this application and to permit payment of the issue and publication fees simultaneously. Furthermore, although applicants authorize any necessary petition or other fee to be charged to the below noted deposit

Atty. Docket 6173-4007US

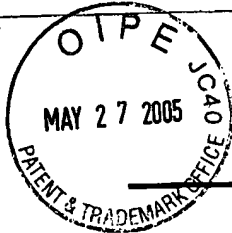
account, it is respectfully submitted that no such fee should be charged because the abandonment was caused solely by Patent Office mistake.

Please charge any necessary fees, including petition fees, to Deposit Account No. 02-4270 (6173-4007) and please credit any excess fees to such Deposit Account.

Respectfully submitted,



Robert M. Bauer, Reg. No. 34,487
Brown Raysman Millstein Felder & Steiner, LLP
900 Third Avenue
New York, NY 10022
Tel.: (212) 895-2000
Fax: (212) 895-2900

**FACSIMILE COVER SHEET**

From: Robert M. Bauer, Esq. **Date:** May 27, 2005
Direct Dial: 212-895-2630 **Client/Matter #:** 6173/4007US

PLEASE DELIVER AS SOON AS POSSIBLE TO:

	Recipient	Company	Fax No.	Phone No.
1.	OFFICE OF PATENT PUBLICATION	US Patent & Trademark Office	703-746-4000	

Total number of pages including this page: **15**
If you do not receive all the pages, please call **212-895-2984**.

In re Application of : Jani EKMAN et al.
Serial No. : 09/937,047
Filing Date : January 8, 2002
Title : HANDOVER IN A MOBILE COMMUNICATION SYSTEM
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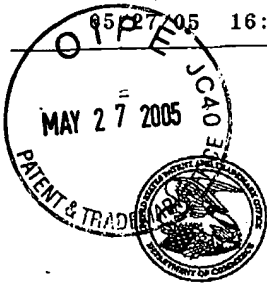
PLEASE FIND ENCLOSED: 1) **PETITION FOR REVIVAL AND FOR
ACCEPTANCE OF ISSUE AND
PUBLICATION FEES AND
COMMENTS ON STATEMENT OF
REASONS FOR ALLOWANCE (WITH
EXHIBITS 1-3)**

2) **ISSUE FEE TRANSMITTAL FORM**

3) **COMMENTS ON STATEMENT OF
REASONS FOR ALLOWANCE**



EXHIBIT 1



05/27/05 16:00 FAX 212 895 2900 2

BRMF & S LLP

005/015

UNITED STATES PATENT AND TRADEMARK OFFICE

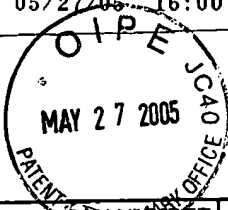
UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/937,047	01/08/2002	Jani Ekman	NOKI14-00007	6306
43829	7590	05/16/2005	EXAMINER	
ROBERT M BAUER ESQ BROWN RAYSMAN MILLSTEIN FELDER & STEINER 900 THIRD AVE NEW YORK, NY 10022			PEREZ, JULIO R	
			ART UNIT	PAPER NUMBER
			2681	

DATE MAILED: 05/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

RECEIVED MAY 23 2005	
Docket Date	
BRMFS#	617354007US
Attorney(s):	RMF/RMF/LJ
Action:	
Action Date:	
Final:	
Initials:	LJ


**UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office**

 Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
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09937047

EXAMINER

ART UNIT

PAPER NUMBER

DATE MAILED:

NOTICE OF ABANDONMENT

This application is abandoned in view of:

- ☐ Applicant's failure to timely file a proper reply to the Office letter mailed on _____.
- ☐ A reply (with Certificate of Mailing or Transmission of _____) was received on _____ which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
- ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
- ☐ A reply was received on _____, but it does not constitute a proper reply, or a *bona fide* attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in the last box below).
- ☐ No reply has been received.

- ☒ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).

- ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85) (or Notice of Publication Fee Due).
- ☐ The submitted fee of \$ _____ is insufficient. A balance of \$ _____ is due.
The issue fee by 37 CFR 1.18 is \$ _____. The publication fee, if required, by 37 CFR 1.18(d) is \$ _____.

- ☒ The issue fee and publication fee, if applicable, have not been received.

- ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTOL-37).
- ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
- ☐ No corrected drawings have been received.
- ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all the applicants.
- ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon filing of a continuing application.
- ☐ The decision by the Board of Patent Appeals and Interferences rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
- ☐ The reason(s) below: _____

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

Attachment to Notice of Abandonment

For questions concerning the notice contact

Office of Patent Publication

Image Assistance Center: 888-786-0101.

Information is also available on the USPTO Internet web site:
<http://www.uspto.gov/web/patents/pubs/abandonnotice.html>

Respond to the Notice of Abandonment by one of the following:

1. Petition To Withdraw Holding of Abandonment (See MPEP 711.03(c) I and 37 CFR § 1.181) No fee required

Where an applicant contends that the application is not in fact abandoned (e.g., a reply was in fact filed), a petition under 37 CFR § 1.181(a) requesting withdrawal of the holding of abandonment is the appropriate course of action. Any petition under 37 CFR § 1.181 to withdraw the holding of abandonment not filed within 2 months of the mail date of a Notice of Abandonment may be dismissed as untimely under 37 CFR § 1.181(f). In order for a petition to be granted, the evidence must be sufficient according to 37 CFR § 1.8(b) Certificate of Mailing 37 CFR § 1.10 "Express Mail" mailing or MPEP 503 Postcard Receipt as Prima Facie Evidence. The petition should be addressed as follows:

By mail: Mail Stop: Issue Fee, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450
By facsimile: 703-872-9306

2. Petition To Withdraw Holding Of Abandonment Based On Failure To Receive Office Action (MPEP 711.03(c) II and 37 CFR § 1.181). No fee required

Where an applicant contends that the original Notice of Allowance and Fee(s) Due was never received, if adequately supported, the Office may grant the petition and remail the Office action. The showing required establishing non-receipt of an Office communication must include a statement from the practitioner stating that the Office communication was not received and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the nonreceived Office would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement.

Petition should be addressed to the Technology Center handling the application as follows:

By mail: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450
By facsimile: 703-872-9306

3. Petition To Revive An Abandoned Application (See MPEP 711.03(c) III)

Where there is no dispute as to whether an application is abandoned (e.g., the applicant's contentions merely involve the cause of abandonment) a petition under 37 CFR § 1.137 (a) or (b) (accompanied by the appropriate petition fee) is necessary to revive the abandoned application. The text of these rules is available on the USPTO Internet Web site. Forms for these petitions, "Petition For Revival Of An Application For Patent Abandoned Unavoidably Under 37 CFR § 1.137(a)," PTO/SB/61, and "Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b)," PTO/SB/64, are available in the forms section of the USPTO website: <http://www.uspto.gov>.

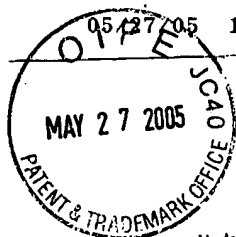
Petitions under 37 CFR § 1.137 should be addressed to the Office of Petitions as follows:

By mail: Mail Stop Petition, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450
By facsimile: 703-872-9306

Note: Abandonment takes place by operation of law for failure to reply to an Office action or timely pay the issue fee, not by operation of the mailing of a Notice of Abandonment



EXHIBIT 2



PTO/SB/122 (09-03)

Approved for use through 11/30/2005. OMB 0651-0035
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**CHANGE OF
CORRESPONDENCE ADDRESS
Application**Address to:
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450.

Application Number	09/937,047
Filing Date	January 8, 2002
First Named Inventor	Jani EKMAN
Art Unit	2681
Examiner Name	Perez, Julio
Attorney Docket Number	6173/4007US

Please change the Correspondence Address for the above-identified patent application to: (NEW - PLEASE CHANGE)

☒ Customer Number : 43829

OR

☐ Firm or
Individual Name

Address

Address

City

State

Zip

Country

Telephone

Fax

This form cannot be used to change the data associated with a Customer Number. To change the data associated with an existing Customer Number use "Request for Customer Number Data Change" (PTO/SB/124).

I am the:

☐ Applicant/Inventor☐ Assignee of record of the entire interest.
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).☒ Attorney or Agent of record. Registration Number 34,487☐ Registered practitioner named in the application transmittal letter in an application without an executed oath or declaration. See 37 CFR 1.33(a)(1). Registration NumberTyped or Printed
Name Robert M. Bauer

Signature

Date 08/19/2004

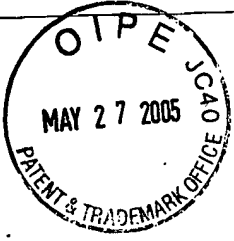
Telephone 212-895-2000

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☒ *Total of 1 forms are submitted.

This collection of information is required by 37 CFR 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



PTO/SB/80 (12-03)
Approved for use through 11/30/2005. OMB 0651-0036
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

POWER OF ATTORNEY TO PROSECUTE APPLICATIONS BEFORE THE USPTO

I hereby appoint:



Practitioners associated with the Customer Number:

43829

OR



Practitioner(s) named below (if more than ten patent practitioners are to be named, then a customer number must be used):

Name	Registration Number

as attorney(s) or agent(s) to represent the undersigned before the United States Patent and Trademark Office (USPTO) in connection with any and all patent applications assigned only to the undersigned according to the USPTO assignment records or assignment documents attached to this form in accordance with 37 CFR 3.73(b).

Assignee Name and Address:

Nokia Corporation
Keilaladentie 4
02150 Espoo
FINLAND

A copy of this form, together with a statement under 37 CFR 3.73(b) (Form PTO/SB/86 or equivalent) is required to be filed in each application in which this form is used. The statement under 37 CFR 3.73(b) may be completed by one of the practitioners appointed in this form if the appointed practitioner is authorized to act on behalf of the assignee, and must identify the application in which this Power of Attorney is to be filed.

SIGNATURE of Assignee of Record

The individual whose signature and title is supplied below is authorized to act on behalf of the assignee

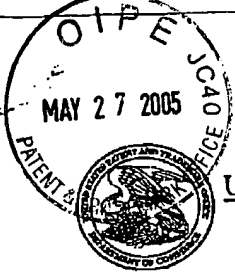
Name	Tommi Lehtinen			
Signature	<i>[Signature]</i>	Date	27.5.2004	
Title	Senior IPR Manager		Telephone	+359407008756

This collection of information is required by 37 CFR 1.31 and 1.33. Use information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



EXHIBIT 3



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
09/937,047	01/08/2002	Jani Ekman	NOKI14-00007

43829
ROBERT M BAUER ESQ
BROWN RAYSMAN MILLSTEIN FELDER & STEINER
900 THIRD AVE
NEW YORK, NY 10022

CONFIRMATION NO. 6306

OC000000014982378

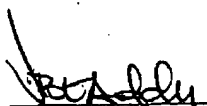
OC000000014982378

Date Mailed: 01/19/2005

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

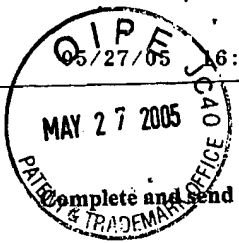
This is in response to the Power of Attorney filed 08/19/2004.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.


JASON B EADDY
2600 (703) 305-0538

ATTORNEY/APPLICANT COPY

RECEIVED JAN 25 2005
Docket Date: _____
Docket No.: 6173-400705
Attorney(s): RM3/RM3/US
Action: _____
Action Date: _____



16:03 FAX 212 895 2900 2

BRMF & S LLP

013/015

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail

Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
or FAX (703) 746-4000

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

7590

01/10/2005

Docket Clerk
PO Box 802432
Dallas, TX 75380

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (703) 746-4000, on the date indicated below.

Robert M. Bauer	(Depositor's name)
Robert M. Bauer	(Signature)
May 27, 2005	(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/937,047	01/08/2002	Jani Ekman	NOKI14-00007	6306

TITLE OF INVENTION: HANDOVER IN A MOBILE COMMUNICATION SYSTEM USING CONFERENCE FACILITY

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1400	\$0	\$1400	04/11/2005

EXAMINER	ART UNIT	CLASS-SUBCLASS
PEREZ, JULIO R	2681	455-436000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list.

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively,
(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1. Robert M. Bauer
2. _____
3. _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

Nokia Corporation

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Espoo, Finland

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are enclosed:

- ☒ Issue Fee
☒ Publication Fee (No small entity discount permitted)
☒ Advance Order - # of Copies 3

4b. Payment of Fee(s):

- ☐ A check in the amount of the fee(s) is enclosed.
☐ Payment by credit card. Form PTO-2038 is attached.
☒ The Director is hereby authorized by charge the required fee(s), or credit any overpayment, to Deposit Account Number 02-42732 (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above. NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature

Robert M. Bauer
Robert M. Bauer

Date

May 27, 2005

Typed or printed name

Registration No.

34,487

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

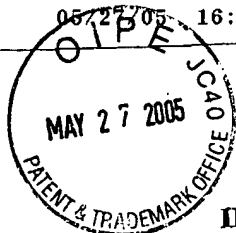
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PTOL-85 (Rev. 12/04) Approved for use through 04/30/2007.

OMB 0651-0033 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

05/31/2005 1400.00 DA 9.00 DA 01 FC:1501 01 FC:8001

PAGE 13/15 * RCVD AT 5/27/2005 4:55:37 PM [Eastern Daylight Time] * SVR:USPTO-EFXXRF-2/0 * DNIS:7464000 * CSID:212 895 2900 2 * DURATION (mm-ss):06-08



Atty. Docket 6173-4007US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Jani EKMAN et al.
Serial No. : 09/937,047
Filing Date : January 8, 2002
Title : HANDOVER IN A MOBILE COMMUNICATION SYSTEM
USING CONFERENCE FACILITY
Examiner : Julio Perez
Group Art Unit : 2681

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

May 27, 2005

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Sir:

Applicants gratefully acknowledge the Notice of Allowability mailed on January 10, 2005.¹ The Reasons for Allowance states that the present invention is directed to the use of handovers in a mobile communication system in an "IP-based telecommunications network." While it is true that embodiments of the invention may be implemented in an IP-based telecommunications network, it should be pointed out, however, that none of the allowed claims recite and thus require an "IP-based telecommunications network."

The Reasons for Allowance also states that the prior art fails to teach "operation to control a zone of a network, which provides a conference call, to include sound, data, and video, where means for receiving a hand-off requiring indication and opening a conference call channel as a second communication channel for such call and further handing over the call from a first to a second communication channel when the handover is successful to cause the first communication channel to be totally closed." While a conference call can include sound, data and video, none of the allowed claims recite and thus require that the conference call includes

¹ The Notice of Allowability was unfortunately mailed to the wrong address as noted in the accompanying Petition for Revival and for Acceptance of Issue and Publication Fees and Comments on Statement of Reasons for Allowance.

Atty. Docket 6173-4007US

sound, data and video. Also, the claims recite further handing over the call from a first to a second communication channel "if" the handover is successful, and does not recite, and thus require, further handing over of the call from a first to second communication channel at the time "when" the handover is successful. Furthermore, only claims 12-18 and 23 recite "means ... for receiving said hand-off required indication..." and "means for handing over the call..."

While these quotes roughly correspond to features that are present in the allowed claims, applicants have pointed out above that not every quoted feature is in each one of the allowed claims. Therefore, the claims are allowable over the prior art for somewhat different reasons than those noted in the Reasons for Allowance.

An Issue Fee Transmittal accompanies this Comment on Statement of Reasons for Allowance. Please charge any shortage in fees, including extension of time fees, to Deposit Account No. 02-4270 (6173-4007) and please credit any excess fees to such Deposit Account.

Respectfully submitted,



Robert M. Bauer, Reg. No. 34,487
Brown Raysman Millstein Felder & Steiner, LLP
900 Third Avenue
New York, NY 10022
Tel.: (212) 895-2000
Fax: (212) 895-2900